

# Exhibit A



Deposition of:  
**Darren Robert Hurst , M.D.**

*July 21, 2017*

In the Matter of:

**In Re: Bard IVC Filters Products  
Liability**

**Veritext Legal Solutions**  
1075 Peachtree St. NE , Suite 3625  
Atlanta, GA, 30309  
800.808.4958 | [calendar-atl@veritext.com](mailto:calendar-atl@veritext.com) | 770.343.9696

Page 57

1 across the board, 39 percent, 100 percent, and 10  
2 percent migration. So, you know, it's that it had  
3 all of them, it had all of those issues, not just  
4 one, but all of them.

5 BY MR. NORTH:

6 Q. Any other study that you can  
7 reference that supports your opinion that Bard  
8 filters had a much higher complication rate than  
9 other filters, besides the Deso or Deso study?

10 A. Deso study. Well, I mean, there's --  
11 well, first of all, the Deso study is a meta  
12 analysis, so that is multiple, multiple studies.  
13 So to say any other study, we can basically just  
14 go to the references for the Deso study, if you  
15 would like, and just go through them. It's, you  
16 know, a comprehensive list of studies that, you  
17 know, describe the data that I just gave. So when  
18 you say any other studies, yes, there are  
19 multiple, multiple studies of which we can -- you  
20 know, we can go through each one, if you would  
21 like.

22 Q. Without resorting to looking at the  
23 references in Deso, as you sit here today, can you  
24 recall any other published study that suggests  
25 that Bard filters have a much higher complication

Page 69

1 Q. Who were your --

2 A. Mike Kirksey.

3 Q. When is the last time you saw him?

4 A. I haven't seen him in years. He  
5 doesn't work for Bard anymore. He works for  
6 Endologix, and Endologix makes stent grafts and we  
7 don't do stent grafts at our institution.

8 Q. Have you reviewed any of Bard's bench  
9 testing of its filters?

10 A. I have seen some of that data, yes.

11 Q. Have you reviewed Bard's 510(k)  
12 submissions to the FDA?

13 A. I have not reviewed their 510(k)  
14 submissions.

15 Q. Did you review actual test reports of  
16 bench data?

17 A. I have seen the tables. So I don't  
18 know if it's the actual -- do you mean the whole  
19 report?

20 Q. Right.

21 A. No. All I've seen are the data  
22 tables.

23 Q. Have you seen any of the FDA  
24 correspondence to Bard regarding its IVC filters?

25 A. Yes.

Page 70

1 Q. What sorts of correspondence?

2 A. I've seen the -- give me a moment.

3 Q. Are you referencing the warning  
4 letter?

5 A. Yes.

6 Q. Other than the warning letter, have  
7 you seen any of the Bard --

8 A. No, I have not.

9 Q. -- FDA correspondence?

10 A. I have not.

11 Q. And you haven't seen any of the  
12 various submissions that Bard has made to the FDA  
13 providing them with various test data and  
14 answering questions of the agency?

15 A. I have not.

16 Q. And because you're not a regulatory  
17 expert, you're not familiar with what materials of  
18 Bard that the FDA may have reviewed?

19 A. Correct.

20 Q. Now, my understanding is you do  
21 believe -- given the fact that you implant them  
22 still, you do believe that filters are appropriate  
23 in certain patients, correct?

24 A. Yes.

25 Q. And you would consider pulmonary

1           Q.    Do you know whether she has seen  
2   anyone other than the first physician who  
3   attempted to retrieve it, regarding retrieval?

4           A.    I do not.

5           Q.    You also seem to fault Bard in  
6   Ms. Mulkey's case for the fact that her physician  
7   implanted an Eclipse in her after the time that  
8   the Meridian had already been launched as an  
9   available filter, correct?

10          A.    Yes.

11         Q.    Do you know what her doctor -- the  
12   doctor that implanted the filter in her, whether  
13   he had ever implanted a Meridian filter?

14         A.    I do not know.

15         Q.    Do you know whether he was even aware  
16   that the Meridian filter existed?

17         A.    I don't know that either.

18         Q.    Did you ever implant Meridian  
19   filters?

20         A.    No.   We had stopped using Bard  
21   filters at that time.

22         Q.    Do you know the rates of tilt and  
23   caudal migration of the Meridian filter?

24         A.    I do not know.   I don't know if we  
25   know that.

Page 103

1           Q. Do you know how they compare with the  
2 rate of tilt and migration for the G2 -- I mean,  
3 for the Eclipse?

4           A. I don't know.

5           Q. So you have not tried to do a study  
6 comparing the complication rates between the  
7 Eclipse and the Meridian, have you?

8           A. No, I haven't.

9           Q. You would agree that you are not an  
10 expert in device design, development, or  
11 manufacture, correct?

12           A. I am not an expert in device design,  
13 development, or manufacture; but I do work with  
14 medical devices every day and have seen hundreds  
15 and hundreds of devices.

16           Q. You indicated that you had not done  
17 any analysis of the comparative complication rate  
18 between the Eclipse and the Meridian. Have you  
19 done a comparative analysis of the complication  
20 rates between the G2 and the Eclipse?

21           MR. O'CONNOR: Form.

22           THE WITNESS: There's not much  
23 difference between the G2 and the Eclipse except  
24 for electropolishing, and I don't know if  
25 electropolishing has even been shown to have any